



General Assembly

January Session, 2011

Raised Bill No. 1201

LCO No. 4740

04740_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

***AN ACT CONCERNING PATIENT ACCESS AND CONTROL OVER
MEDICAL TEST RESULTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-7c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 [(a) For purposes of this section, "provider" has the same meaning as
4 provided in section 20-7b.]

5 [(b)] (a) (1) A provider [, except as provided in section 4-194,] shall
6 supply to a patient upon request complete and current information
7 possessed by that provider concerning any diagnosis, treatment and
8 prognosis of the patient. (2) A provider shall notify a patient of any test
9 results in the provider's possession or requested by the provider for
10 the purposes of diagnosis, treatment or prognosis of such patient. In
11 addition, upon request of the patient, a provider shall notify any other
12 provider specified by the patient of any test results in the provider's
13 possession or requested by the provider for the purposes of diagnosis,
14 treatment or prognosis of such patient. (3) A provider, who requests
15 that his or her patient submit to medical testing for purposes of

16 ascertaining a diagnosis, prognosis or recommended course of
17 treatment for such patient, shall authorize the entity that conducts
18 such medical testing, including, but not limited to, a clinical
19 laboratory, as defined in section 19a-30, to directly communicate the
20 results of such testing to the patient, unless the provider reasonably
21 determines that the information that may be directly communicated to
22 the patient would be detrimental to the physical or mental health of
23 the patient or may result in the patient causing harm to himself, herself
24 or another. In any case where a provider has determined that direct
25 access by the patient to the results of a medical test would not be in the
26 best interests of the patient, the provider shall communicate the
27 reasons for such determination to the patient.

28 (b) In accordance with the provisions of subsection (a) of this
29 section, a provider, who requests that his or her patient submit to
30 repeated medical testing at regular intervals, over a specified period of
31 time, for purposes of ascertaining a diagnosis, prognosis or
32 recommended course of treatment for such patient, may issue a single
33 authorization that allows the entity that conducts such medical testing,
34 including, but not limited to, a clinical laboratory, as defined in section
35 19a-30, to directly communicate the results of such testing to the
36 patient for the period of time that such testing is requested by the
37 provider.

38 (c) Upon a written request of a patient, a patient's attorney or
39 authorized representative, or pursuant to a written authorization, a
40 provider, except as provided in section 4-194, shall furnish to the
41 person making such request a copy of the patient's health record,
42 including but not limited to, bills, x-rays and copies of laboratory
43 reports, contact lens specifications based on examinations and final
44 contact lens fittings given within the preceding three months or such
45 longer period of time as determined by the provider but no longer
46 than six months, records of prescriptions and other technical
47 information used in assessing the patient's health condition. No
48 provider shall refuse to return to a patient original records or copies of

49 records that the patient has brought to the provider from another
50 provider. When returning records to a patient, a provider may retain
51 copies of such records for the provider's file, provided such provider
52 does not charge the patient for the costs incurred in copying such
53 records. No provider shall charge more than sixty-five cents per page,
54 including any research fees, handling fees or related costs, and the cost
55 of first class postage, if applicable, for furnishing a health record
56 pursuant to this subsection, except such provider may charge a patient
57 the amount necessary to cover the cost of materials for furnishing a
58 copy of an x-ray, provided no such charge shall be made for furnishing
59 a health record or part thereof to a patient, a patient's attorney or
60 authorized representative if the record or part thereof is necessary for
61 the purpose of supporting a claim or appeal under any provision of the
62 Social Security Act and the request is accompanied by documentation
63 of the claim or appeal. A provider shall furnish a health record
64 requested pursuant to this section within thirty days of the request. No
65 health care provider, who has purchased or assumed the practice of a
66 provider who is retiring or deceased, may refuse to return original
67 records or copied records to a patient who decides not to seek care
68 from the successor provider. When returning records to a patient who
69 has decided not to seek care from a successor provider, such provider
70 may not charge a patient for costs incurred in copying the records of
71 the retired or deceased provider.

72 (d) If a provider reasonably determines that the information is
73 detrimental to the physical or mental health of the patient, or is likely
74 to cause the patient to harm himself, herself or another, the provider
75 may withhold the information from the patient. The information may
76 be supplied to an appropriate third party or to another provider who
77 may release the information to the patient. If disclosure of information
78 is refused by a provider under this subsection, any person aggrieved
79 thereby may, within thirty days of such refusal, petition the superior
80 court for the judicial district in which such person resides for an order
81 requiring the provider to disclose the information. Such a proceeding
82 shall be privileged with respect to assignment for trial. The court, after

83 hearing and an in camera review of the information in question, shall
84 issue the order requested unless it determines that such disclosure
85 would be detrimental to the physical or mental health of the person or
86 is likely to cause the person to harm himself, herself or another.

87 (e) The provisions of this section shall not apply to any information
88 relative to any psychiatric or psychological problems or conditions.

89 (f) In the event that a provider abandons his or her practice, the
90 Commissioner of Public Health may appoint a licensed health care
91 provider to be the keeper of the records, who shall be responsible for
92 disbursing the original records to the provider's patients, upon the
93 request of any such patient.

94 (g) The Commissioner of Public Health shall adopt regulations, in
95 accordance with the provisions of chapter 54, to carry out the
96 provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	20-7c

Statement of Purpose:

To facilitate improved patient access to medical test results and provide patients with greater ability to direct the sharing of medical tests results with all health care providers involved in the patient's care.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]